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COMMISSION ON HUMAN RIGHTS
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HUMAN RIGHTS AND DISABILITY

Report prepared by the Secretary-General pursuant to
Sub-Commission resolution 1993/22

GE.94-13016 (E)

Introduction

1. The Sub-Commission on Prevention of Discrimination and Protection of Minorities, in its resolution 1993/22 of 20 August 1993, requested the Secretary-General to report to the Commission on Human Rights and to the Sub-Commission on the coordination endeavours, and their results, undertaken by the various United Nations organs and bodies concerned with the protection of disabled persons, for the purpose of envisaging the establishment of an effective mechanism for coordination and cooperation between the various organs and bodies. The present report has been prepared pursuant to that request.

2. The Sub-Commission also decided to remain seized of this question and to deal with it each year as sub-item (c) of the agenda item entitled "Promotion, protection and restoration of human rights at national, regional and international levels".

I. LEGAL BASIS FOR COORDINATION OF VARIOUS RELATED ISSUES BETWEEN UNITED NATIONS ORGANS AND ENTITIES AND BETWEEN THEM AND SPECIALIZED AGENCIES

3. There is no clause or provision in the Charter of the United Nations referring to the coordination of activities between the United Nations organs and bodies. As far as coordination between the United Nations organs is concerned, it is mandated by the adoption of relevant resolutions. For instance, the General Assembly, in its resolution 40/31 of 29 November 1985, entitled "Implementation of the World Programme of Action concerning Disabled Persons and United Nations Decade of Disabled Persons", requested "all bodies and organizations of the United Nations system administering assistance projects to take into account the concerns of disabled persons in their projects for the rehabilitation of the disabled and their integration into society, as well as to include disabled persons in their overall planning objectives".

4. To highlight the end of the United Nations Decade of Disabled Persons in 1992, the General Assembly adopted resolution 47/88 of 16 December 1992, entitled "Towards full integration of persons with disabilities into society: a continuing world programme of action", in paragraph 8 of which it requested the Secretary-General to turn the focus of the United Nations programme on disability from awareness-raising to action and to strengthen the leadership role of the United Nations as a catalyst for change, as a standard-setting organization, as a forum for the exchange of views and as a promoter of technical cooperation activities. The Assembly then enumerated a number of measures to be taken or considered at the national and international levels.

5. The Economic and Social Council has adopted certain general and specific resolutions in the field. In particular, in its resolution 1156 (XLI) of 5 August 1966 entitled "Review and reappraisal of the Council's role and functions", the Council considered that it had an important role to play in:

> "(a) Acting as governing body for the United Nations work programme in the economic, social and human rights fields,
>
> (b) Ensuring the coordination of the activities of the United Nations system of organizations in these same fields".

6. In its resolution 1986/16 of 22 May 1986, the Economic and Social Council called on all bodies and organizations of the United Nations system to take appropriate steps to ensure that disabled persons were represented in those bodies and organizations and that the concerns of disabled persons were taken into account in their overall planning objectives.

7. Special attention should be given to the agreements concluded by the United Nations with the specialized agencies providing for the transmission of reports to the United Nations, sending of relevant information, participation in United Nations meetings, and cooperative projects.

8. In the Vienna Declaration and Programme of Action adopted in June 1993, the World Conference on Human Rights stated:

> "The World Conference on Human Rights recommends increased coordination in support of human rights and fundamental freedoms within the United Nations system. To this end, the World Conference on Human Rights urges all United Nations organs, bodies and the specialized agencies whose activities deal with human rights to cooperate in order to strengthen, rationalize and streamline their activities, taking into account the need to avoid unnecessary duplication. The World Conference on Human Rights also recommends to the Secretary-General that high-level officials of relevant United Nations bodies and specialized agencies at their annual meeting, besides coordinating their activities, also assess the impact of their strategies and policies on the enjoyment of all human rights." (Part II, para. 1.)

9. Thus, the World Conference on Human Rights established the goal of "increased coordination" and emphasized that this coordination was essential for the full achievement of the programme of the United Nations in the field of human rights, of which the promotion and protection of the rights of persons with disabilities is part and parcel. The World Conference also reaffirmed that all human rights are universal and thus unreservedly included persons with disabilities (Vienna Declaration and Programme of Action, Part II, para. 63).

II. BACKGROUND: MEASURES TAKEN BY UNITED NATIONS ORGANIZATIONS, ORGANS AND BODIES

10. The beginning of multilateral concern with disability can be seen as the adoption by the General Assembly of the Declaration on the Rights of Disabled Persons, on 9 December 1975, 1/ following the Declaration on the Rights of Mentally Retarded Persons, adopted on 20 December 1971. 2/

11. On 16 December 1976, the General Assembly proclaimed 1981 the International Year of Disabled Persons. 3/ The main result of the activity undertaken before and during that year was the elaboration of the World Programme of Action concerning Disabled Persons, which the General Assembly adopted without a vote in its resolution 37/52 of 3 December 1982. The Programme set the guidelines for a world strategy to promote the adoption of effective measures for the prevention of disability, rehabilitation and the achievement of the full participation and equality of disabled persons in social life and development.

12. The World Programme of Action and the Decade gave a new impetus to the activity in the field of the human rights of people with disabilities. In particular, in pursuance of concepts contained in the World Programme of Action, both the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities have dealt with this question and have adopted a number of resolutions on the subject.

13. At its forty-third session, in 1991, the Sub-Commission approved the final report of the Special Rapporteur, Mr. Leandro Despouy, later issued in the United Nations Study Series under the title Human Rights and Disabled Persons. 4/ The report contains the most complete analysis of international instruments in this field. The relevant activities of the pertinent United Nations organs and specialized agencies were also elucidated in the report and examples were cited of their cooperation in the promotion and protection of human rights of persons with disabilities.

14. In its resolution 1991/19 of 28 August 1991, the Sub-Commission expressing its satisfaction at the recommendations and proposals submitted to the Sub-Commission by the Special Rapporteur with a view to encouraging States and intergovernmental organizations to undertake concrete measures to guarantee to the disabled the full enjoyment of their human rights, welcomed his recommendations, in particular those relating to the implementation of the human rights of disabled persons. Those recommendations and proposals, contained in paragraphs 271 to 284 of the report, were the subject of further consideration and action by the Commission on Human Rights, the Economic and Social Council and the General Assembly.

15. The Commission on Human Rights, in its resolution 1992/48 of 3 March 1992, invited human rights treaty-monitoring bodies, notably the Committee on Economic, Social and Cultural Rights and the Human Rights Committee, to monitor the compliance of States with their commitments under the relevant human rights instruments in order to ensure the full enjoyment of those rights by disabled persons.

16. The Commission received no response from those bodies concerning that invitation. Therefore, in its resolution 1994/27 of 4 March 1994, the Commission encouraged all the human rights treaty-monitoring bodies to respond positively to its invitation to monitor the compliance of States with their commitments under the relevant human rights instruments in order to ensure the full enjoyment of those rights by disabled persons.

17. The United Nations human rights organs and bodies have paid attention to the question of the prevention of injuries of children and the protection of disabled children. Such attention greatly contributed to the adoption of a special provision of the Convention on the Rights of the Child of 1989, which stipulates, in article 23, that States Parties recognize the right of the disabled child to a full and decent life and special care.

18. The United Nations human rights organs continue to make efforts to ensure for persons with disabilities the enjoyment of human rights and fundamental freedoms by keeping this item on their agenda. They also continue to examine new aspects and developments which, inter alia, may cause disability (environmental degradation, human rights in armed conflicts, etc.).

19. The Centre for Human Rights is making every effort to expand its collaboration with intergovernmental and non-governmental organizations involved in the field of disability, in particular with organizations of disabled persons, and to consult with them on a regular and systematic basis on matters relating to the implementation of relevant international instruments and the protection of the rights of persons with disabilities.

20. Throughout the Decade the human rights organs and bodies had the full and active cooperation of other United Nations organs and organizations concerned. One of the main features of the Decade was that unprecedented cooperation developed between various entities of the United Nations system and between them and organizations of and for persons with disabilities. The inter-agency meetings on the Decade, held once a year at the Vienna International Centre, under the aegis of the Administrative Committee on Coordination (ACC) and the former United Nations Centre for Social Development and Humanitarian Affairs, were charged with elaborating concepts, policies and mechanisms for the effective implementation of the World Programme of Action concerning Disabled Persons and with coordinating the various efforts of the participating United Nations entities and non-governmental organizations. These meetings also contributed to understanding the main guidelines of the Programme and to their incorporation, to the extent possible, in the work programmes, resolutions and decisions of pertinent organs and organizations.

21. During the Decade, several United Nations entities represented at the inter-agency meetings on the Decade undertook major efforts to develop new international standards to reflect this policy shift: Centre for Social Development and Humanitarian Affairs of the United Nations Office at Vienna by developing the Standard Rules on Equalization of Opportunities for Disabled Persons; 5/ the Centre for Human Rights by elaborating the Principles for the Protection of Persons with Mental Illness and for the Improvement of Mental Health Care; 6/ and the International Labour Organisation, by adopting, in 1983, an international convention (No. 159) and a recommendation (No. 168) on the vocational rehabilitation and employment of disabled persons.

22. One of the major achievements of the inter-agency meetings on the Decade was improved knowledge of the work and specific contribution of each participating organization and the fact that participants thus were able to reach an unprecedented level of coordination, as evidenced by the high level of consensus on policy issues (despite many controversial discussions) and by the close collaboration in the preparation of technical documents. There was also better coordination in order to assist developing countries in establishing programmes and in developing policies in accordance with the standards of the Decade.

23. Several United Nations organizations and specialized agencies, especially ILO, FAO, UNESCO and WHO have contributed significantly to the integration of persons with disabilities into the community, to their education, vocational training, rehabilitation, employment and the fulfilment of their other rights. 7/

24. Those organizations continue to contribute to the implementation of the rights of persons with disabilities. However, some developments have influenced their coordination efforts. The United Nations Secretariat has notified that the Centre for Social Development has been dissolved as part of

the restructuring of the economic and social sectors of the United Nations. The disability programme has been transferred to the newly-created Department for Policy Coordination and Sustainable Development at United Nations Headquarters in New York.

25. In accordance with a decision of the Organizational Committee of ACC, based on a letter from the Secretary-General dated 23 December 1992 to all heads of United Nations agencies and bodies, the inter-agency meeting in the field of disability will no longer be an ACC subsidiary mechanism. However, inter-agency programme consultations and coordination in the field of disability may continue, when necessary, outside the framework of ACC.

26. In October 1993, in conjunction with the deliberations of the Third Committee of the General Assembly on disability issues, informal consultations were held with available and interested United Nations organs and specialized agencies. With regard to the future of the disability programme, the meeting was advised that internal management structures had not yet been finalized, but was reassured that the disability programme as such would continue.

27. The General Assembly, in its resolution 48/95 of 20 December 1993, acknowledging that the objective of the United Nations Decade of Disabled Persons (1983-1992) as a means to implement the World Programme of Action was still valid and required urgent and continued action, urged the Secretary-General to strengthen, through redeployment of resources, the United Nations programme on disabled persons in order to enable it, inter alia, to ensure effective coordination and streamlining of efforts to respond to the needs of persons with disabilities (through policy formulation, advocacy and liaison) among all bodies within the United Nations system, particularly the International Labour Organisation, the World Health Organization, the United Nations Educational, Scientific and Cultural Organization, the United Nations Development Programme and the United Nations Children's Fund.

III. CONTEMPORARY POLICY AND PRACTICE

28. After the Decade had come to end, some specific mechanisms of coordination such as the inter-agency meetings were abolished. However, as far as the human rights of people with disabilities are concerned, the World Conference on Human Rights, in the Vienna Declaration and Programme of Action adopted on 25 June 1993, recommended increased coordination in support of human rights and fundamental freedoms within the United Nations system, and urged all United Nations organs, bodies and the specialized agencies whose activities deal with human rights to cooperate in order to strengthen, rationalize and streamline their activities, taking into account the need to avoid unnecessary duplication (Part II, para. 1).

29. The World Conference recommended to the Secretary-General that high-level officials of the United Nations bodies and agencies at their annual meeting, besides coordinating their activities, also assess the impact of their strategies and policies on the enjoyment of all human rights. Furthermore, the Conference called on regional organizations and prominent international

regional finance and development institutions to assess the impact of their policies and programmes on the enjoyment of human rights (Part II, paras. 1-2).

30. The necessity of strengthening international cooperation for human rights was extended by the World Conference to include regional arrangements for the promotion and protection of human rights (Part I, para. 37), national institutions (Part II, paras. 85-86) and non-governmental organizations (Part I, para. 38 and Part II, para. 73).

31. The Vienna Declaration and Programme of Action specified that the Centre for Human Rights should play an important coordinating role in United Nations system-wide attention to human rights (Part II, para. 14).

32. Achieving the aims of the World Conference for better inter-agency cooperation and for impact assessment would require the Centre for Human Rights to develop significantly its substantive and administrative capacity to do so.

33. In implementation of the objectives set out by the World Conference the Centre for Human Rights convened a meeting of agencies, organizations and secretariat units of the United Nations system and related international organizations to discuss the results of the fiftieth session of the Commission on Human Rights. The meeting took place at Geneva, on 18 March 1994. The meeting was briefed on the outcome and follow-up to the fiftieth session of the Commission on Human Rights. A document containing the resolutions and decisions adopted by the Commission at its fiftieth session, including resolution 1994/27 on human rights and disability, had been sent in advance to participants, and at the meeting a preliminary chart for their implementation was distributed.

34. In its resolution 48/141 of 20 December 1993, entitled "High Commissioner for the promotion and protection of all human rights", the General Assembly decided that the High Commissioner for Human Rights would be the United Nations official with principal responsibility for United Nations human rights activities. Among the High Commissioner's responsibilities would be "coordination of the human rights promotion and protection activities throughout the United Nations system" (para. 4 (f)).

35. ACC is also involved in the process of coordination. For instance, at its first session of 1994 held at Geneva on 11 and 12 April 1994 under the chairmanship of the Secretary-General of the United Nations, ACC considered, inter alia, an item entitled "Follow-up to the World Conference on Human Rights".

36. The High Commissioner for Human Rights, briefing the Committee on the question, informed it that he was planning to establish a permanent dialogue with the organizations of the United Nations system to promote human rights through the systematic and periodic exchange of information, experience and expertise. He called special attention to the difficulties faced in ensuring access to basic food and medicine for the most vulnerable groups affected by international sanctions, and considered that that matter could be brought to the attention of the Security Council.

37. ACC members reaffirmed their commitment to contributing to the implementation of the Vienna Declaration and Programme of Action within the framework of their mandates, approved programmes and the resources made available for their activities, through appropriate steps including (i) periodic discussions in ACC with a view to furthering a coordinated approach by the United Nations system to the promotion and protection of human rights, in particular of the most vulnerable in society, and affirming the commitment of ACC to the incorporation of human rights concerns into all strategies and programmes; (ii) support to, and cooperation with the High Commissioner for Human Rights in his system-wide coordination responsibilities.

38. Lastly, it should be pointed out that international cooperation and concerted action relating to the promotion and protection of the rights of persons with disabilities could be undertaken at future international conferences. The International Conference on Population and Development, to be held at Cairo in 1994, the Fourth World Conference on Women: Action for Equality, Development and Peace, to be held in Beijing in 1995, and the World Summit for Social Development, also to be held in 1995, in Copenhagen, will provide other opportunities for addressing issues of human rights and disability relevant to the subject-matter of those events.

IV. CONCLUSIONS AND RECOMMENDATIONS

39. Bearing in mind what has been said above, it may be stated that coordination of activities during the United Nations Decade of Disabled Persons greatly contributed to policy formulation, to the working out of concepts and guidelines, and to the elaboration and implementation of programmes, plans and joint projects.

40. However, the coordination of the implementation of disability programmes was hindered by a number of factors, including the lack of effective monitoring mechanisms. The major challenge of the post-Decade period will be the adoption by human rights organs and bodies of measures that are of direct benefit to persons with disabilities.

41. Consequently, coordination of activities with other United Nations agencies and organizations, as well as with international and regional governmental and non-governmental organizations, should be promoted, with a view to their cooperating or carrying out joint activities for the protection of persons with disabilities and other vulnerable groups.

42. In that respect the relevant provisions of the Vienna Declaration and Programme of Action and respective mechanisms established provide the opportunity to enhance coordination of activities of United Nations organs, bodies and specialized agencies, with a view to the promotion and protection of the rights of persons with disabilities. However, this activity will greatly depend on the mandates of relevant United Nations entities to that effect.

43. In addition, the institutionalization of system-wide cooperation and coordination of activities in the field is an enormous task because of the wide differences between the terms of reference of the organs, bodies and agencies in question and the huge number of activities involved. It should be

noted that each entity has its own identity and it is important that this identity should be maintained within the operation of the system of cooperation and coordination. It should also be remembered that the General Assembly recognized the essential role of the Commission for Social Development "in providing leadership and positive guidance to encourage worldwide change by equalizing opportunities, promoting independence and ensuring the full inclusion and participation in society of all persons with disabilities". 8/

44. Coordination is frustrated by the lack of resources, both monetary and human. The programmes and budgets of the pertinent United Nations organs very seldom provide for concrete concerted action in this field. Given that fact, it seems desirable, as a matter of principle, that United Nations organs, including the Commission on Human Rights and the Commission on Social Development should coordinate their activity in matters mentioned above during their respective sessions. Such coordination should be encouraged and properly financed, providing the possibility for United Nations organs to send representatives to the sessions of other organs, thereby enhancing mutual cooperation. It should, however, be borne in mind that each organ has its own programme and terms of reference, which should be duly taken into account and respected.

45. One of the principal requirements for effective national protection of human rights of persons with disabilities is the existence of adequate national law and institutions. Therefore, common efforts should continue to be undertaken so that the United Nations programme of advisory services and technical assistance in the field of human rights would provide the services of experts, inter alia, to assist in developing legislation that is in compliance with relevant recognized international instruments. Similar efforts should continue to be undertaken to encourage the establishment of national institutions and to strengthen existing ones.

46. There seems to be a need for further coordination in this field, with a view to the elaboration and development of concepts and policies, the undertaking of joint programmes and the development of collaborative mechanisms. There is also a need while focusing on different aspects of disability issues to remain cognizant of, and incorporate, where possible, meaningful human rights concerns, and thus to contribute to the achievement of the goal, deriving from the Vienna Declaration and Programme of Action, that the promotion and protection of human rights should permeate almost all of the activities of the United Nations.

47. The invitation to the human rights treaty bodies, particularly the Committee on Economic, Social and Cultural Rights and the Human Rights Committee, to monitor the compliance of States with their commitments under the relevant human rights instruments in order to ensure the full enjoyment of those rights by people with disabilities should be reiterated.

48. The Commission on Human Rights should also continue to consider methods of achieving international cooperation for the implementation of internationally recognized basic rights for all, including persons with disabilities.

Notes

1/ General Assembly resolution 3447 (XXX).

2/ General Assembly resolution 2856 (XXVI).

3/ See General Assembly resolutions 31/123 and 34/154.

4/ Leandro Despouy, Human Rights and Disabled Persons, Human Rights Study Series 6 (United Nations publication, Sales No. E.92.XIV.4).

5/ General Assembly resolution 48/96 of 20 December 1993, annex.

6/ General Assembly resolution 46/119 of 17 December 1991, annex.

7/ See note 4, op. cit., paras. 221-263.

8/ General Assembly resolution 48/95 of 20 December 1993.

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